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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,208	12/31/2003	Kitahiro Kaneda	03500.013552.1	6674
5514	7590	08/10/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SINGH, RACHNA	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 08/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,208

Applicant(s)

KANEDA ET AL.

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for Reconsideration filed on 05/13/05.
2. Claims 25-45 are pending in the case. Claims 25, 32, and 39 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies for Japanese applications 151183/1998 and 137080/1999, filed on June 1, 1998 and May 18, 1999 have been filed in parent Application No. 09/322,029.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onda, US 5,077,811, 12/31/91.

In reference to claim 25, Onda teaches a character and picture image data processing system. Compare to ***an image processing method for processing an input document image***. See abstract. Onda teaches that a user of a system can make a judgment as to which direction an image shall be rotated in an image rotation system in order to possess a correct orientation of an image. The user can specify a

desired angle of rotation. See column 1, lines 40-67. Compare to ***rotating the document image according to a rotation angle instructed by the user***. Onda further discloses a method/system in which the orientation of an image can be automatically detected and corrected whenever required. The system includes a data processing means including a character image discriminating means for discriminating a character image from a picture image orientation detecting means for detecting orientation of the character image to determine whether the orientation of the character image is in a correct orientation and an image rotation means for processing the image signals to rotate the image so that the image is correctly oriented. See column 2, lines 14-31. Compare to ***automatically discriminating the orientation of the document image*** and ***automatically rotating the document image based on the discriminated orientation of the document image***.

Onda does not expressly state ***displaying an instruction input window to receive an instruction from a user as to whether the orientation should be corrected automatically or manually*** nor does he expressly state ***determining, based on the user interaction received in the instruction input window, whether the user has instructed that orientation of the document image should be corrected automatically or manually***. However, Onda does teach that it was well known at the time of the invention for a user to manually manipulate the orientation of an image in order to possess a correct orientation. See column 1. Onda also teaches that the orientation ***can be*** automatically detected and corrected whenever required. See column 2. It would have been obvious to a person of ordinary skill in the art at the

time of the invention to provide a means to select manual versus automatic manipulation of image data because it may be desirable to provide more control over the image orientation and for the user to make the judgment regarding the direction in which an image shall be rotated. See column 1, lines 40-67.

In reference to claim 26, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17.

In reference to claim 27, Onda teaches the system includes a data processing means including a character image discriminating means for discriminating a character image from a picture image orientation detecting means for detecting orientation of the character image to determine whether the orientation of the character image is in a correct orientation and an image rotation means for processing the image signals to rotate the image so that the image is correctly oriented. See column 2, lines 14-31.

In reference to claim 28, Onda teaches that the automatic detection and correction step can be used to rotate an image by 90, 180, or 270 degrees. See column 5, lines 1-11.

In reference to claim 29, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17.

In reference to claims 30-31, Onda also teaches that the orientation can be automatically detected and corrected whenever required. See column 2. The

automatic detection, discrimination, and correction can rotate the image at different angles. See columns 2-5.

Claims 32-38 are rejected under the same rationale used in claims 25-31 respectively above.

Claims 39-45 are rejected under the same rationale used in claims 25-31 respectively above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koh et al. US 6,173,088 B1

Takaoka et al. US 6,137,905

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS

08/03/05

William F. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
8/5/2005

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